

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRELL L. MARSHALL,

Plaintiff,

vs.

Case No. 00-CV-74576
HON. GEORGE CARAM STEEH

CITY OF DETROIT, and
WAYNE COUNTY,

Defendants.

/

ORDER DENYING MOTION TO VACATE JUDGMENT [DOC. 67]

Plaintiff Darrell L. Marshall, proceeding pro se, has filed a motion to vacate judgment, whereby he criticizes the finding by this court that he is a vexatious litigant and the order enjoining him from filing further lawsuits without leave of court. In 2003, the court entered an order refusing to reinstate Mr. Marshall's case and finding that any future attempt to reinstate his case will be stricken as moot. In that order, the court set forth a procedure that Mr. Marshall must follow if he would like to commence any new civil actions in the Eastern District of Michigan.

In his current filing, Mr. Marshall makes reference to the Wayne County Jail refusing him medical treatment, and attaches portions of medical records from October 2010. It appears that Mr. Marshall may be attempting to obtain leave to file a new complaint. The procedure that Mr. Marshall has been ordered to follow in order to obtain leave of the court to file a new complaint is re-printed here. The court urges Mr. Marshall to follow the requirements precisely if, **and only if**, he wishes to pursue a new issue, unrelated to his previously filed complaints.

To obtain leave, Mr. Marshall MUST initially comply with all of the following requirements:

1. **He must file a "Motion Pursuant to Court Order Seeking Leave to File"**

with any proposed complaint;

2. As an exhibit to that motion, he must attach a declaration prepared pursuant to 28 U.S.C. § 1746 or a sworn affidavit certifying that the claim he wishes to present is a new issue which has never been raised by him in court;

3. By means of a second exhibit, he must identify and list the full caption of each and every suit which has been previously filed by him or on his behalf in any court against each and every defendant in the suit that he wishes to file;

4. As a third exhibit, he must provide a copy of each such complaint and a certified record of its disposition. He must serve a copy of this order on each defendant if and when leave to serve is granted.

5. As a fourth exhibit, he must append this order.

Failure to comply with these terms may itself be grounds for denying any motion for leave to file a complaint. Compliance with these terms does not, of itself, constitute grounds for granting leave to file a complaint.

Based on the preceding order, this court certifies that any appeal from this decision would be frivolous, not in good faith and, therefore, pursuant to 28 U.S.C. § 1915(a)(3), may not be taken in forma pauperis.

So ordered.

Dated: July 18, 2011

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 18, 2011, by electronic and/or ordinary mail and also to Darrell Marshall at 15420 Pierson Street, Detroit, MI 48223.

S/Josephine Chaffee
Deputy Clerk